

UNITED STATES DISTRICT COURT

FILED

October 04, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

for

WESTERN DISTRICT OF TEXASBY: PS
DEPUTY**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: James Alan Little Case Number: 5:21-CR-00527-DAE(1)

Name of Sentencing Judicial Officer: Honorable David A. Ezra, Senior United States District Judge

Date of Original Sentence: May 16, 2022

Original Offense: Count 1: Stealing and Reproducing Keys or Locks Adopted by the Post Office, in violation of 18 U.S.C. § 1704 and Count 2: Theft or Receipt of Stolen Mail Matter Generally in violation of 18 U.S.C. § 1708

Original Sentence: Fifteen (15) months imprisonment as to Count 1 and 2 to run concurrently, followed by a Three (3) year term of supervised release as to Count 1 and 2 to run concurrently.

Type of Supervision: Supervised Release Date Supervision Commenced: February 24, 2023

Assistant U.S. Attorney: Karina O'Daniel Defense Attorney: Marina Thais Douenat

PREVIOUS COURT ACTION

On June 7, 2023, a Probation Form 12A, Report on Offender Under Supervision, was filed due to an admission of use of methamphetamines and a positive sweat patch test for amphetamines/methamphetamines. No action was taken by the Court and the person under supervision would continue supervision and be monitored and supervised through correctional and controlling strategies.

On July 26, 2023, a Probation Form 12A, Report Offender Under Supervision, was filed due to failure to remain at a residential reentry center and failure to notify the probation officer of a change in his living arrangements. No action was taken by the Court and the person under supervision would continue supervision and be monitored and supervised through correctional and controlling strategies.

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1.	<u>Mandatory Condition No. 2:</u> The defendant shall not unlawfully possess a controlled substance.

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2. **Mandatory Condition No. 3:** The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on probation or supervised release and at least two periodic drug tests thereafter (as determined by the court), but the condition stated in this paragraph may be ameliorated or suspended by the court if the defendant's presentence report or other reliable sentencing information indicates low risk of future substance abuse by the defendant.

On March 7, 2023, a sweat patch drug test was administered on the person under supervision during an office visit. On the same date, the person under supervision admitted to the last use of methamphetamines on or about March 6th. On March 27, 2023, the sweat patch report yielded positive results for amphetamines and methamphetamines. *This noncompliance was previously reported on June 7, 2023.*

On September 5, 2023, the person under supervision submitted a drug test that yielded a positive result for amphetamines. On September 11, 2023, the person under supervision admitted to the use of methamphetamines on or about September 3, 2023.

3. **Special Condition:** The defendant shall reside in a residential reentry center for a term of up to 180 days. The defendant shall follow the rules and regulations of the center.
4. **Standard Condition No. 5:** The defendant shall live at a place approved by the probation officer. If the defendant plans to change where he or she lives or anything about his or her living arrangements (such as the people the defendant lives with), the defendant shall notify the probation officer at least ten (10) days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, the defendant shall notify the probation officer within seventy-two (72) hours of becoming aware of the change or expected change.

On April 28, 2023, the person under supervision entered the Veteran's Halfway House Program at Crosspoint, Inc. On June 6, 2023, Mikki Mozer, Contract Social Services Liaison, at Crosspoint, Inc., reported the person under supervision was unsuccessfully discharged on May 21, 2023, from the halfway house due to not being accountable for a period of three days.

The person failed to notify the supervising officer of the change in living arrangements as required.

On June 6, 2023, the person under supervision reported he left the halfway house because of significant temptations to revert to illegal drug use. He admitted to returning to his previous residence. *This noncompliance was previously reported on July 26, 2023.*

5. **Special Condition:** The defendant shall participate in a substance abuse treatment program and follow the rules and regulations of that program. The program may include testing and examination during and after program completion to determine if the defendant has reverted to the use of drugs. The probation officer shall supervise the participation in the program (provider, location, modality, duration, intensity, etc.). During treatment, the defendant shall abstain from the use of alcohol and any and all intoxicants. The defendant shall pay the costs of such treatment if financially able.

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On June 5, 2023, the person under supervision failed to submit to a drug test. On June 6, 2023, he denied any illegal drug use and stated he forgot to submit to his drug test. *This noncompliance was previously reported on July 26, 2023.*

On September 22, 2023, the person under supervision failed to submit to a drug test.

U.S. Probation Officer Recommendation:

On February 24, 2023, the person under supervision began his term of supervised release in the Western District of Texas, San Antonio Division. On March 7, 2023, it was determined that the person under supervision has veteran's benefits, thus he was referred to the Veteran's Administration (VA) for outpatient drug treatment and psychiatric services.

On April 28, 2023, Mr. Little entered the Veteran's Program at Crosspoint Inc. in San Antonio to begin his halfway house period as required by the Court. On June 6, 2023, the person under supervision admitted to leaving the halfway house on or about May 21st and returned to his previous residence to obtain more support from his family. It was confirmed Mr. Little continued to attend meetings with Veteran's Program Crosspoint staff after his halfway house discharge in order to be placed in a residential drug treatment program with a non-contract provider. On June 8, 2023, the person under supervision was accepted to the Veterans Services Residential Drug Treatment Program at the Laurel Ridge Treatment Center in San Antonio, TX. The person under supervision successfully completed residential treatment on July 19, 2023.

On July 24, 2023, the person under supervision was readmitted to the Veteran's Halfway House at Crosspoint, Inc. Mr. Little was rereferred to the Veteran's Administration for outpatient drug treatment and to Lifetime Recovery for random drug testing and instructed to begin calling the COMPLY urinalysis system as required.

On September 11, 2023, Mr. Little admitted to the use of methamphetamines on or about September 3rd after learning about the overdose of a friend. A cognitive based skill set was used to admonish and address the inadequate coping behavior. The person under supervision identified the consequences of continued illegal drug use and committed to his sobriety and outpatient drug treatment. Unfortunately, on September 22, 2023, Mr. Little failed to submit to a random drug test as required.

Based on the aforementioned violations, it is respectfully recommended a warrant be issued and a hearing be held to show cause as to why the offender's supervised release should not be revoked.

☐ The term of supervision should be

☒ revoked. (Maximum penalty: 2 years imprisonment; 3 years supervised release; and payment of any unsatisfied monetary sanction previously imposed) on both Counts 1 & 2

☐ extended for years, for a total term of years.

☐ The conditions of supervision should be modified as follows:

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Approved:

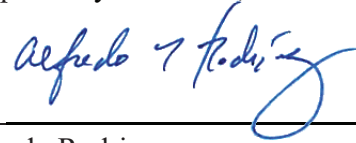


Stephen L. Gray
Supervising U.S. Probation Officer
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cc: Karina O'Daniel
Assistant U.S. Attorney

Brenda Trejo-Olivarri
Assistant Deputy Chief U.S. Probation Officer

Respectfully submitted,



Alfredo Rodriguez
Sr. U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 5304
Date: September 29, 2023

THE COURT ORDERS:

☐ No action.

☒ The issuance of a warrant.

☐ The issuance of a summons.

☐ Other _____



Honorable David A. Ezra
Senior U.S. District Judge

10/04/2023

Date